

23. (Unamended) The inflatable air belt of claim 19, wherein the second additional yarn comprises thermoplastic material.

### **REMARKS**

#### **Introduction**

The Final Office Action mailed February 12, 2001, has been reviewed and the Examiner's comments carefully considered.

Applicant's representative appreciates the courtesy afforded Applicant by the Examiner in a telephone interview of May 10, 2001. During the interview, the general status of the application was discussed.

Applicant has amended the specification to update the table of related applications. No amendments have been made to the claims. Attached hereto is a marked-up version of the changes made to the specification by the current amendment. The attached page is captioned **"Version with markings to show changes made."**

#### **Objections**

In the Office Action, the Examiner continues to object to the term "double yarn" used in the specification. Applicants do not agree with the Examiner. As described in Applicants' response filed November 16, 2000, the terms "double yarn" and "doubled yarn" are well-known in the art.

Regarding the objection to the drawings, Applicant continues to contend that "doubled yarn" is a conventional feature that is not essential for a proper understanding of the claims. Thus, according to 37 C.F.R. § 1.83(a), the double yarn may be illustrated simply by the yarn shown in the figures. If the Examiner insists on maintaining the rejection, Applicant will appropriately amend the drawings once the application is otherwise in condition for allowance.

#### **Claim Rejections**

Substantively, claims 1-23 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,385,367 (Tanaka et al.). Applicant, once again, requests that the Examiner clarify whether the rejection is made based on the combination of Tanaka and U.S.

Patent No. 5,682,771 (Forest et al) or on Tanaka alone. Forest is mentioned in paragraph seven of the Office Action, but is not part of the rejection.

Applicant traverses the rejection because a *prima facie* case of obviousness has not been made. Neither reference discloses, teaches or suggests the claimed invention, and there is no motivation for combining the references.

#### Claims 1-4

Applicant's arguments made in response to the previous Office Action have not been addressed by the Examiner and are set forth again below. It is not disputed that Tanaka fails to disclose the use of yarns 3000 denier or below for an additional yarn. The Examiner contends that "Forest et al. teaches [a] that yarns of 3000 denier or below are used in air bag covers," and that "it would have been obvious ... to provide the yarns of Tanaka . . . as 3000 denier or below in order to provide the characteristics associated with such sized yarns for air bag fabrics as shown by Forest."

However, the Examiner failed to identify those characteristics shown by Forest that would motivate one of ordinary skill to find the claimed invention obvious. Thus, a *prima facie* case of obviousness has not been made. On page 6 of the present application, the applicant sets forth that "[i]f the thickness of the additional yarn 30 exceeds 3000 d, the warp knitted fabric becomes thicker, and provides worse texture due to roughness of the knitted loops." However, the Examiner may not use this reason to combine the references. Furthermore, Forest provides no teaching related to fabric for inflatable air belts. Forest is related to a seat cover that ruptures and contains an air bag, but is not related to an inflatable air belt. Reconsideration and withdrawal of the rejection is respectfully requested.

Claims 2-4 depend from claim 1 and are allowable therewith without regard to the further patentable limitations contained therein. Reconsideration and withdrawal of the rejection is respectfully requested.

**Claims 5-16**

Independent claim 5 calls for first and second additional yarns positioned to prevent the warp knitted fabric from stretching in the longitudinal and the transverse direction, respectively. A fabric having this structure is not disclosed taught or suggested by Tanaka or Forest. Tanaka teaches that the warp threads 13, 14 of Fig. 14 are positioned to suppress the lengthwise stretch of the shoulder belt. Claim 5 requires that the second additional yarn be positioned to prevent the warp knitted fabric from stretching in the transverse direction. This feature is neither disclosed nor suggested in the references. Reconsideration and withdrawal of the rejection is respectfully requested.

Furthermore, claims 6-16 depend from claim 5 and are allowable therewith without regard to the further patentable limitations contained therein. These patentable limitations include, for example, "wherein the first additional yarn is positioned to establish a link between closest loops of the knitting yarn, and wherein the second additional yarn is positioned to establish a link between the next closest loops," found in claim 6. As shown in Figure 12 of Tanaka, the additional yarn 13 does not pass through any loops. The remaining claims include similar limitations not disclosed, suggested or taught by the cited references. Reconsideration and withdrawal of the rejection is requested.

**Claims 17-23**

The Office Action did not address the limitations of claims 17-23. Thus, the present Office Action was improperly made final. If the Examiner intends to maintain the rejection of Claims 17-23, Applicant requests a non-final Office Action that sets for the basis for the claim rejection in detail.

Regardless, the rejection of claims 17-23 should be withdrawn for at least the following reason. None of the references disclose, teach or suggest an air belt having a cover "configured so that when the air belt inflates sufficient force is applied to the second additional yarn to cause the second additional yarn to break thereby allowing the warp knitted fabric to stretch in the transverse direction," as called for in claim 17. Claims 18-23 depend from claim 17 and are allowable therewith without regard to the further patentable limitations contained therein.

Reconsideration and withdrawal of the rejection is respectfully requested.

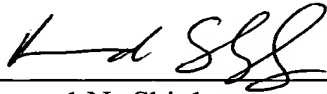
Conclusion

In view of the forgoing, it is respectfully submitted that the present claims are in condition for allowance. An early notice to that effect is earnestly solicited. Should there be any questions, the Examiner is invited to contact the undersigned at the number shown below.

Respectfully submitted,

Date: May 15, 2001

By: \_\_\_\_\_

  
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SHOULD ADDITIONAL FEES BE NECESSARY IN CONNECTION WITH THE FILING OF THIS PAPER, OR IF A PETITION FOR EXTENSION OF TIME IS REQUIRED FOR TIMELY ACCEPTANCE OF SAME, THE COMMISSIONER IS HEREBY AUTHORIZED TO CHARGE DEPOSIT ACCOUNT NO. 19-0741 FOR ANY SUCH FEES; AND APPLICANT(S) HEREBY PETITION FOR ANY NEEDED EXTENSION OF TIME.

**VERSION WITH MARKINGS TO SHOW CHANGES MADE****In the Specification**

The table at page 7 (page 2 of amendment filed November 16, 2000) has been amended as follows:

<b>U.S. Serial No.</b>	<b>U.S. Filing Date</b>	<b>Our Docket No.</b>	<b>Japanese Application No.</b>
09/327,481	June 8, 1999	086142/0246	H10-159293
09/327,451	June 8, 1999	086142/0247	H10-159296
09/327,547 Now issued as Patent # 6,135,563	June 8, 1999  Issue Date 10/24/2000	086142/0248	H10-159295
09/327,546	June 8, 1999	086142/0249	H10-159297
09/328,289  <u>Now issued as</u> <u>Patent No.</u> <u>6,164,692</u>	June 9, 1999	086142/0250	H10-160777
09/328,363  <u>Now issued as</u> <u>Patent No.</u> <u>6,142,512</u>	June 9, 1999	086142/0251	H10-160780